



Perma-Fix of Dayton, Inc. Testimony to the House of Representatives Committee on Government Reform; Subcommittee on National Security, Emerging Threats, and International Relations.

In accordance with the instructions provided to Perma-Fix of Dayton, Inc. (PFD) by the subcommittee, in its letter dated 15 October 2003, testimony provided will focus on: a review of the management of an Army agreement with Perma-Fix of Dayton, Inc. through prime contractor Parsons Infrastructure & Technology Group Inc. (Parsons) Further it is our understanding that the subcommittee wishes to assess the implementation of provisions requiring contracting parties to establish “a measure of public acceptance for planned Hydrolysate transport and disposal”. It is our understanding that the subcommittee will examine steps taken by the Army, PFD, and Montgomery County with respect to the satisfaction of the public acceptance requirements of the subcontract between Parsons and PFD. PFD will also outline the specific requirements in the original RFP, our proposal, the resulting subcontract (#742168 40069) with Parsons and our understanding of and our activities to satisfy these requirements. In an effort to improve the process and inform the subcommittee PFD will also provide issues, lessons learned and recommendations.

Testimony.

Contract description: Perma-Fix of Dayton Inc. entered into a subcontract (#742168 40069) with Parsons on 21 December 2002. The subcontract resulted from our proposal in answer to a Request for Proposal (RFP) issued on or about 29 August 2002.

The work description contained in the RFP Statement of Work separated the work into 5 activities (1) Waste Transport, (2) Waste Treatment/Disposal, (3) Public Outreach Support (4) Treaty/Inspection Support and (5) Management Support. The established evaluation factors for award were divided into 3 categories: Technical, Commercial and Risk.

As outlined above, this testimony will focus on those aspects of the subcontract related to the “measure of public acceptance for the planned Hydrolysate transport and disposal”.

The Subcontract Statement of Work related to “public acceptance” is defined by section **3.3 Public Outreach Support** as follows:

“Detailed subcontractor requirements for public outreach shall be indicated in an outreach plan submitted with the Subcontractor’s proposal. Minimum outreach and related requirements to be addressed in the plan are as follow:”

- a. “Subcontractor outreach plan shall indicate that outreach responsibility is principally that of the Subcontractor, with support from the Contractor and Government, for outreach activities in the transportation-route and TSDF areas. The subcontractor shall act as the primary spokesman for subcontract work at*

- public sessions or in response to written or media inquires. The outreach plan shall indicate a specific point of contact for Subcontractor outreach activities."*
- b. "The contractor and Government shall retain primary responsibility for outreach in the Newport community. The Subcontractor shall support, as requested, Contractor and Government personnel in their Newport-area outreach activates."*
 - c. "Subcontractor outreach plans shall acknowledge Contractor and Government outreach involvement and include descriptions of interfaces, roles and responsibilities."*
 - d. "Subcontractor plans shall include monitoring, and reviewing with Contractor and Government personnel, transport-route and TSDF-community media and information sources for local sentiments and concerns."*
 - e. "Subcontractor outreach plans shall include and early/initial subcontract activity involving public and government notifications and public sessions intended to establish a measure of public acceptance for planned Hydrolysate transport and disposal work."*

"Completion of subcontract work may be contingent upon the establishment and maintenance of public acceptance throughout the subcontract period of performance."

The CONTRACTOR RESPONSIBILITIES (Section 5.0). As specified in the Subcontract are as follows:

"Particular Contractor responsibilities pertinent to Subcontractor are work as follow: "

- a. "The Contractor working with Government counterparts, will maintain primary responsibility for public outreach effects in the Newport area. On occasions, the Contractor may request outreach support from the Subcontractor to help address program work activities."*
- b. "The Contractor will provide hydrolysate samples sufficient for TSDF acceptance testing and any required process development and demonstration testing."*
- c. "The Contractor will provide details of pretreatment studies (see Attachment 0.3) data to subcontractor requiring hydrolysate pretreatment prior to TSDF primary treatment."*
- d. "The Contractor will provide NECDF-site safety training, plans and requirements pertinent to preparation of the Subcontractor's NECDF-Site Safety Plan (see section 4.2) and performance of work at the NECDF site."*
- e. "The Contractor will provide waste property certification prior to transfer of hydrolysate to Subcontractor's transport vehicles. In particular, Contractor will confirm that hydrolysate VX concentration is non-detect at the method detection limit (MDL)."*

- f. *“The Contractor will provide waste manifests prior to transfer of hydrolysate to SubContractor’s transport vehicles, including, in particular, waste quantity (ie, volume).”*
- g. *“The Contractor will provide a complete transfer station appropriate for transfer of hydrolysate waste from the NECDF waste holding tanks to the Subcontractor’s transport tankers. The transfer station will have the capability of transferring hydrolysate to the Subcontractors transport tankers at a rate of up to 70 gallons/minute.”*

The Pertinent General Provisions (Section VI). The following provisions were established by the RFP and incorporated into the Subcontract.

17. TERMINATION.

A. Default: *“Should Subcontractor at any time refuse or neglect to supply sufficient and properly skilled workers, or fail in any respect to prosecute the Services or any separable portion with promptness and diligence, or fail in the performance of any portion of this subcontract required for the satisfactory completion of the Services, or become insolvent, Contractor may terminate this Subcontract for default, after forty eight (48) hours written notice to Subcontractor to correct the deficiency. Contractor may also terminate Subcontractor’s right to proceed with the Services or such part of the Services where defaults have occurred.” “Convenience: Should the Prime Contract be terminated or canceled pursuant to the terms thereof, or upon ten(10) days advance notice, Contractor may terminate this Subcontract by written notice to Subcontractor. Such termination shall be effective in the manner specified in the notice and shall be without prejudice to any claims that contractor or Owner may have against Subcontractor.”*

B. *“Upon receipt of a termination notice pursuant to paragraphs A or B, above, Subcontractor shall unless the notice directs otherwise immediately discontinue the Services.”*

Further, the condition establishes: “Subcontractor shall be liable for, and pay to, Contractor any reasonable cost, including the cost for additional managerial and administrative services, in excess of the subcontract Price for the Services.

Termination for default also results in the inability to win Government contracts for up to three years.

Pertinent portions of the RFP include the following:

SECTION A – INSTRUCTIONS TO OFFERORS

SCHEDULE:

- 1. "It is anticipated that work will commence with a Contract Award and limited Notice to Proceed (NTP) in September 2002. Initial Public Outreach activities to confirm public acceptance, will commence immediately with the limited Notice to Proceed. Actual Hydrolysate transport and disposal operations are scheduled to begin as early as July 2003 and extending through the completion of the Hydrolysate processing schedule. (For the purpose of establishing the Subcontract completion date, the Period of Performance completion date shall be considered as March 31, 2004.)"*

EVALUATION FACTORS FOR AWARD:

Evaluation Factors. The Evaluation Factors for award defined in the RFP's Instructions to Offerors for Technical and Commercial did not specifically address Outreach support. However the evaluation criteria established under these general factors (Technical, Commercial) were assumed by PFD to address the Outreach support. The risk evaluation included specific language related to public acceptance.

The **Technical Criteria** indicated that the evaluation would assess the subcontractors *"thorough understanding of the requirements, and is properly permitted and certified, for performance of subcontract work; has the facilities and capacities necessary for performance of work; has adequate staff with appropriate experience and training for performance of the work; has provided complete, well reasoned and technically sound plans for performance of work; and has sound operating, environmental, quality, and health and safety history and programs for performance of subcontract work."*

The **Commercial criteria** included a *"focus on assessing the ability of the offeror to perform and complete program work without interruption resulting from financial-instability or regulatory compliance issues."* The evaluation also employed information gathered by the Contractor prior to the release of the RFP.

The **Risk Evaluation criteria** included a risk evaluation which included *"assessment of risk associated with establishing and maintaining public acceptance of program work throughout program completion, comparative risk to the public and environment associated with performance of program work, and financial risk and liabilities to the Contractor and Government incurred during performance, and continuing beyond completion, of program work. Risk assessment may largely relate to the primary transport and disposal technology proposed by the offeror for treatment/disposal of the NECDF Hydrolysate waste."*

In order to establish fair and reasonable criteria for evaluation, Offerors were provided with the following information pertaining to the specific waste form requiring treatment as well as the amount of time anticipated to perform outreach services under the Statement of Work, this information is identified below:

SECTION B-1 – SUBMISSION FORM, BASE PROPOSAL:

“The Offeror’s are to use a total of 3000 Man-Hours for the purpose of pricing this section B-1 of the Request for Proposal. After Subcontract Award, should the actual Hours incurred be more or less than stated above, an equitable adjustment to the Subcontract Price may be determined.”

SECTION O – STATEMENT OF WORK

Attachment 0.1 – Material Safety Data Sheet (MSDS)

The RFP included a Material Safety Data Sheet (MSDS) for the trade name and synonyms: VX/NaOH Hydrolysate. The waste mixture included the following hazard description:

SECTION V - HEALTH HAZARDS DATA:

Health Hazards: *“May be harmful if swallowed, inhaled, or absorbed through the skin. Material may be destructive to tissue of the mucous membranes and upper respiratory tract, eyes, and skin. Material is considered hazardous because of its content of caustic and toxic compounds. This material should be handled with caution and appropriate protective clothing should be worn when handling.”*

Effects of Overexposure: *“May include burning sensation, coughing, wheezing, laryngitis, shortness of breath, headache, nausea vomiting. Exposure to large quantities could cause ataxia, tearing, tremors, and salivation.”*

“Material presently is not listed by the International Agency for Research on Cancer (IARC), National Toxicology Program (NTP), Occupational Safety and Health Administration (OSHA), or American Conference of Government Industrial Hygienists (ACGHI) as a carcinogen.”

Emergency and First Aid Procedures:

“Inhalation: If inhaled, remove victim from source/area to fresh air; seek medical attention immediately. If victim stops breathing, administer CPR. If breathing is difficult, give oxygen. Seek medical attention immediately.

Eye Contact: If material comes in contact with the eyes, flush with water immediately for at least 15 minutes. Assure adequate flushing by pulling eyelids apart with fingers. Seek medical attention immediately.

Skin Contact: Remove victim from the source immediately and decon affected area by flushing with copious amounts of soap and water for at least 15 minutes or with house hold bleach while removing contaminated clothing and shoes. Seek medical attention immediately.

Ingestion: If ingested, wash out mouth with water. Seek medical attention immediately.

Description of PFD’s proposal to the “public acceptance “portions of the RFP.

Assumptions. In any proposal, a potential bidder is required to make certain assumptions. Consistent with and based on the language of the RFP, Perma-Fix of Dayton (PFD) made the following assumptions related to Public outreach:

1. That PFD could and would be able to safely treat the Hydrolysate.
2. That the Contractor and the Government had developed an extensive outreach program at Newport.
3. That in the course of development of the Newport Outreach, the Contractor and the Government had developed extensive, accurate and complete information related to the health and safety risks associated with Hydrolysate.
4. That the information provided by the Contractor and the Government in the Material Safety Data Sheets and supporting analytical data reflects the true and complete risks associated with the hydrolysate offered for treatment.
5. That the Contractor and the Government had established analytical processes sufficient to assure their ability to “confirm that hydrolysate VX concentration is non-detect at the method detection limit (MDL).”
6. That the Contractor would and could provide hydrolysate samples sufficient for pretreatment testing in a timely manner.
7. That the samples provided would be representative of the actual Hydrolysate for treatment.
8. That in support of testing and process validation the contract would and could provide sufficient “details of pretreatment studies data” to allow assessment of health and safety risks.
9. That as outlined in the Statement of Work the primary responsibility for outreach would be PFD and that all actions by the Army and Contractor would be directed by PFD.
10. That all conditions, statements or promises made by the Army or the Contractor related to the contract or the use of TSD’s had been fulfilled and disclosed in the RFP.
11. That the citizens of Dayton would, if presented with our test results and Contractor/Government provided objective scientific evidence, understand and accept the transport and disposal of VX hydrolysate.



PDF proposed PUBLIC OUTREACH PLAN

In response to the RFP and in accordance with the assumptions made, PFD submitted a Public Outreach Plan. The Plan as submitted is included below.

PUBLIC OUTREACH PLAN

Under the Chemical Weapons Convention Treaty ratified by the US. Government in 1997, the United States is obligated under international law to destroy its stockpile of chemical weapons by the year 2007. It is important that these weapons of mass destruction be destroyed in a manner that is extremely protective of human life and health and, at the same time, is environmentally responsible. While the U.S. Government and the Department of Defense, specifically the US Army, are committed to complying with the Treaty, in order to implement chemical weapons destruction, it becomes necessary to physically handle them. Many of the weapons in storage are located in areas which have, over time, grown and developed into significant residential communities for military personnel and workers at the storage facilities and their families.

Perma-Fix of Dayton, Inc. (PFD) understands that the most critical component of this project for the destruction/demilitarization of chemical nerve agent (VX) is to gain community acceptance for affected areas surrounding the Newport Chemical Depot (NECD), along the transportation route, and at the receiving Treatment, Storage, and Disposal Facility (TSDF). Without a strong public outreach plan and a commitment by the successful subcontractor, Parsons, and the Government, this project can not be successful. Stimulation of dialogue, discussion and education can be accomplished through effective utilization of public outreach activities.

PFD has a long history of working closely with affected communities, regulatory agencies, and environmental groups to gain the needed acceptance for performing waste treatment activities. This experience will be used to establish a public outreach plan for this project that will ensure that information is disseminated in a understandable, concise, and timely manner. PFD will work closely with communities, First Responders, and State Emergency Response personnel to monitor and collect their respective concerns and ideas since all of these groups will be an integral part of the process to safely and effectively transport and treat the residual Hydrolysate waste stream. PFD's relatively close proximity to the NECD will minimize the number of affected communities that will be subject to our outreach program, and is an offered benefit to Parsons and the Government.

PFD will perform transport of the Hydrolysate using dedicated new vacuum tankers, which are proven to be a safe and reliable means of transport of this type of waste. The use of vacuum trucks, as described in the Transport Plan, will greatly reduce the risk of leaks during transport. Transport of Hydrolysate will occur from Newport, IN to Dayton, OH, approximately 210 miles, largely over well-maintained interstate highways. The minimal distance between facilities and use of new DOT approved tankers will minimize the risks associated with transport. However, due to the sensitive nature of this project it is important to ensure that communities understand the risks associated with the project and have a means to voice their concerns. To accomplish this, PFD proposes a phased



approach to performing community outreach for the affected communities along the transport route through the States of Indiana and Ohio.

Although PFD currently has a strong community information and involvement program around our Dayton, Ohio facility, this proposed community outreach program would be performed in the PFD facility area as well. PFD understands that Parsons and the Government will retain primary responsibility for outreach in the Newport community, however PFD will be available to support those efforts in any way. PFD is ready and able to immediately begin implementation of this plan, as discussed below, upon contract award.

The specific point of contact (POC) for PFD public outreach activities will be Thomas Trebonik. Contact information for the POC is provided below:

Thomas A. Trebonik
Perma-Fix Environmental Services, Inc.
4041 Batton Street NW, Suite 110
North Canton, Ohio 44720
Phone: 330.498.9750
Fax: 330.498.9751
ttrebonik@Perma-Fix.com

Phase I

Initial Contacts

Phase I will consist of meeting with Indiana and Ohio State Emergency Response Agencies to discuss this project and to obtain their support for contacting the appropriate First Responder groups and/or local emergency planning committees in each of the proposed transport route communities. PFD will be responsible for transport and response to any incidents that may occur, however it is imperative to ensure that emergency responders are well aware of the hazards associated with Hydrolysate since they will also respond to any possible accident/incident that may occur. Protection of the First Responders, the residents that they are responsible for, and the environment is of the utmost importance to PFD, and this can be accomplished through cooperative agreements with all the appropriate stakeholders.

Cooperative Efforts with Affected Parties

PFD has developed a transport route map (FIGURE X) that identifies 30-mile diameter areas along the entire transportation route (excluding the local Newport community). These areas represent the potentially affected communities through which the Hydrolysate will be transported. It is our intention to meet with the appropriate First Responder groups in each of the 8 identified diameter areas. These meetings will facilitate First Responder understanding of the project and its transport, identify and provide them with any needed training to respond to possible transportation incidents,

and if necessary provide them with essential equipment needed to respond to a Hydrolysate transport incident. First Responders will include groups such as State Highway Patrol, local police and fire departments, volunteer fire departments, Hazmat teams, and emergency medical organizations.

Duration

Phase I primary activities will be accomplished prior to waste transport in July 2003. Refresher training may be required for some of the First Responders, and will be provided by PFD upon their request throughout the term of the project.

Phase II

Introduction

Phase II activities will consist of hosting a series of Informational Open House (IOH) meetings for each of the 8 affected transport-route communities to discuss the project with local residents. It is further anticipated that at least four (4) additional IOH meetings will be held in the community local to the PFD treatment facility and other selected locations along the transport route. These IOH meetings will begin immediately after the initial Phase I activities of meeting with State Emergency Response and First Responder organizations. This is necessary so that State and local area First Responders can be available to participate in the informational meetings, and is anticipated to facilitate improved communication and acceptance of this project.

Public Notification

PFD will utilize local media outlets (newspapers and radio announcements) to inform the public about the IOH, its location and schedule. In addition, PFD will post information about the IOH meetings on its Internet web site and include the web address in the newspaper announcements. A meeting site in each of the 8 areas will be selected that would be of appropriate size and set-up to host these meetings, and if possible will be located near I-70 interchanges for convenience. Because PFD developed the 30-mile diameter areas and the areas overlap, the distance that residents would be required to travel to attend one of the meetings will be minimized. In addition, the proximity of the areas will allow for residents to travel to meetings in surrounding areas if desired.

NCED Public Outreach Program

PFD recognizes that Parsons and the Government have expended significant effort in establishing and developing their own Public Outreach Programs and, as such, have prepared and developed project information materials that could be used to enhance PFD's Outreach Program. PFD will request that Parsons and the Government provide support personnel for these IOH meetings so that affected residents have the resources available to them in the meetings that can address any specific concerns about the project.

PFD Outreach Schedule

Each IOH will be scheduled and conducted over a two-day period (anticipated to be Monday and Tuesday) at each of the locations. The IOH will be conducted during the hours of 10:00 am through 8:00 PM on each of the scheduled days. The two day expanded schedule is designed to accommodate the work schedule of most persons and should accommodate persons who may not be able to attend an IOH on other days of the week due to regularly scheduled religious or community/school functions.

PFD Outreach Format

The format for the meetings is proposed to be more informal and one-on-one sharing of information with local residents. It is our experience in hosting informational meetings similar in nature to this, that work stations that allow people to gather around and inspect informational material, and discuss and ask questions in a more intimate setting which is more conducive to a productive meeting. The goal is to provide an atmosphere where residents can discuss their concerns, address experts who can communicate the specifics (including risk) associated with the project to them, and feel that they are a part of the process.

The specific format of the meetings will be approved by Parsons and the Government outreach personnel before initiation of the first IOH. It is PFD's proposed concept to set up a welcoming table at the entrance to the meeting location. Outreach staff will greet the residents and provide them with a general informational brochure describing the project. Interested citizens will be given the opportunity to request future project updates by providing their name/address/e-mail. Outreach staff will explain how the IOH is set up and direct the citizens into the meeting room. A record of the number of residents attending the IOH will be maintained for each meeting and provided as required to Parsons and the Government.

Each IOH will include a minimum of two (2) information stations set up at opposite ends of the meeting room. The stations will be separated to provide ample space for residents to gather, review the visual aids, ask questions and listen to the responses to questions raised by others. Two separate Stations simply help minimize the number of persons congregated at a Station. In larger communities, three (3) or four (4) Stations staffed with adequate personnel may be necessary.

PFD Outreach Feedback

A separate station will be established and identified for acceptance of written or oral comments/concerns. Written comments/concerns will be gathered, numbered with a consecutive numbering system, and a logged using the commentor's name and address. If a commentor does not wish to provide his/her name and address, it will be so noted on the log. To obtain oral comments audio/video equipment is proposed.

Arrangements will be made to provide the opportunity for concerned citizens to immediately provide oral comments/concerns and voice their opinions. A microphone and tape recording device will be used as a backup to the video recording. Each commentor will be asked to initially provide his name and address prior to providing the oral comments. A separate written log of the commentor's name and address will be maintained. If a commentor does not wish to provide his/her name and address, it will be so noted on the log.

Copies of all written and oral comments/concerns, associated comment logs, citizen requests for future information, and IOH attendance obtained at each individual IOH will be transferred to Parsons and the Government for review. In addition, individual debriefing sessions will be held with the IOH staff to provide immediate feed back on the Program and to help evaluate overall local sentiment for the project.

Additional monitoring of local newspaper, television, and radio stories/comments on the IOH and general project will be conducted. Subscriptions to smaller local newspapers along the Transportation route will be obtained and the newspapers reviewed by PFD personnel for all articles relating to the Project. A Clipping Service may be employed to assist in locating newspaper articles published in the newspapers of major metropolitan areas such as Indianapolis, Indiana, and Dayton, Ohio. All articles will be forwarded to Parsons and the Government for review and discussion of public sentiment and acceptance of the project.

Copies of radio and television reports of the project will be purchased from the local stations and likewise forwarded to the Contractor and Government for review and discussion.

PFD Outreach Resources

Each station at an IOH meeting will have identical, large format visual aids to assist in responding to questions. Copies of significant project documents, such as Environmental Assessment Investigations and Findings will be available for *on-site* inspection only. A handout will be available listing all repository locations for general project information.

Visual aids anticipated for the IOH Stations include a chart explaining the "Who, What, Where, When and Why" of the project; Basic Treatment Scheme for the destruction of VX; Hydrolysate Composition; Transportation Route; Transportation schedule; General Pretreatment Scheme; and Primary (Biological) Treatment Process. The graphic identifying the Transportation Route will include identification of sensitive areas (such as Scenic Rivers, Major Recreational areas (parks/lakes/rivers), wetlands, known habitats for listed or rare, threatened and endangered species, and Cities/Towns directly on the Transportation route. Parsons and the Government will be requested to review and approve all visual aids and graphics prior to their use.

PFD Outreach Training

All technical and support personnel involved in the IOHs would be required to attend a one-day training session. This session would communicate all key aspects of the project including the VX neutralization process; the composition of the Hydrolysate to be transported; contingency planning associated with the transport of the Hydrolysate; and the proposed methods of pretreatment and disposal. The training would be required prior to an individual being scheduled for staffing an IOH. PFD has assumed that the training session will be supported and attended by the appropriate Parsons and Government Technical and Outreach personnel.

The purpose of the training session is to ensure that all personnel involved with the IOHs provide consistent, credible information about the project. Support personnel will be instructed to direct all technical questions to the appropriate outreach technical support personnel.

PFD Outreach Personnel Requirements

Each IOH will be staffed with a minimum of six (6) outreach technical support personnel (optimally two each from the Government, Contractor and PFD) to answer general and technical questions about the project. The POC for PFD outreach technical activities and supporting staff will ensure that each IOH will be adequately staffed with the appropriate personnel. It is anticipated the PFD Program Manager will attend each of these IOH meetings.

Additional support personnel will be drawn from within Perma-Fix Environmental Services, Inc., the parent of PFD. In addition, sufficient support staff will be necessary to conduct each IOH. It is anticipated that a minimum support staff of four (4) persons will be required for each IOH. Support staff will function to greet citizens, accept/log written comments, video/record/log oral comments, and provide general assistance to all IOH team members.

First responders, community leaders, and regulatory personnel will be encouraged to participate in the IOH meetings.

PFD Outreach Follow-Up Activities

While the initial public outreach activities are designed to stimulate discussion and measure public acceptance for the project, communication of on-going activities can help to dispel rumors and correct non-factual information. A monthly newsletter designed to provide concerned citizens with a continuous update of project activities related to the transport, treatment and disposal phases of the project will be prepared and mailed/e-mailed to all persons requesting future updates. Preparation of the newsletter will be closely coordinated with Government and Parsons public outreach personnel. In addition, this update information will be provided on the PFD web site for stakeholder convenience.

Summary

PFD is committed to ensuring the success of the transport, treatment, and disposal of Hydrolysate project. A strong consistent community outreach plan such as proposed here is essential to this success. PFD is ready to initiate activities as outlined in this proposed Outreach Plan with the assistance and approval of Parsons and the Government.

Highlights of Public Outreach Plan and Initial Implementation Process

Even before responding to the Request for Proposal, Perma-Fix of Dayton, Inc. recognized the importance of the Public Outreach activities and the need for providing accurate information to the general public on the proposed project. PFD likewise recognized the importance of obtaining input from the general public on the proposed project. As part of this process, PFD personnel met with a variety of local community leaders to solicit input on the proposed project. PFD was prepared to cease all activities related to responding to the Request for Proposal had any of the parties expressed strong opposition to the Project.

Without having initially received strong opposition to the Project, PFD proceeded to respond to the Request for Proposal and prepared its Outreach plan. PFD understood from the original Request for Proposal and from discussion held with the Contractor that, to the maximum extent possible, activities associated with the Project must be completely transparent. That is, all planned activities for the transportation and treatment of Hydrolysate and information developed should be shared with the community in the Newport area; the community along the transportation route; and the local community in the area of the PFD facility. Information should likewise be provided to all interested parties regardless of location.

In accordance with the subcontract, PFD prepared a public outreach program. The program prepared by PFD was approved by both the Army and the Contractor under the subcontract; the army and the contractor had the responsibility for public outreach in the Newport area.

Upon receipt of the limited Notice to Proceed (received by PFD on December 21, 2002), Perma-fix of Dayton, Inc. immediately began activities relating to the implementation of its Public Outreach Plan pursuant to the subcontract. Personnel were assigned to the Project and information acquired from the Contractor (Parsons) and the Army to support development of information necessary to implement Phases I and II of the Public Outreach plan.

While the plan called for a Phased approach to implementation, it became apparent that in order to quickly and effectively reach the local community within the Dayton area and to begin correcting mis-information that had surfaced regarding the Project, it would be necessary to contemporaneously implement both Phases of the Outreach Plan.



A decision was made to accelerate Phase II and conduct public Information open Houses at the same time as contacting the appropriate First responder Groups and/or local emergency planning committees.

The first Informational Open House (IOH) was held by Perma-Fix of Dayton, Inc. on January 23, 2003 in the Dayton area; approximately one month after receiving the Limited Notice to Proceed. PFD's IOH was supported by technical personnel from both Parsons and the Army, with the expressed goal of providing the community with accurate information on the project. Information presented at the IOH included fact sheets on VX agent and Hydrolysate and on the Limited Notice to proceed issued to Perma-Fix of Dayton. The IOH was advertised through local news media and by fliers placed within strategic locations frequented by the residents living near the PFD facility. The IOH was attended by approximately 120 local residents.

The resulting contract.

As stated, the limited Notice to Proceed was issued to PFD on 21 December 2002. Following extensive discussions, two important changes were later made to the original base contract. The first change established a more extensive demonstration study with clear criteria for success. The second change established a special termination provision which allowed for suspension of all Phase Two (transport, treatment and disposal) if PFD failed to meet the established success criteria for the Demonstration Study. The same provision also allowed for suspension if *"in its sole opinion the Contractor determines that the project cannot proceed due to a material impairment beyond the control of either party"*.

These changes were driven by a PFD concern that community outreach was an unknown and that the demonstration testing represented a substantial risk to the continued operations of Dayton facility. The provision also reduced the risk of a termination for default resulting from a condition beyond PFD's control. The Demonstration Study and the establish success criteria provided additional assurance to all of the parties that the process outlined for the treatment of Hydrolysate was clearly defined and would work as described.

It is important to note that the original base contract did not establish treatment levels for Thiol, EMPA or MPA. At the time, these Schedule 2 compounds were not regulated.

The Subcontract was later modified and approved by Parsons and the Army to include the treatment standards for Thiol, EMPA, and MPA. Again the standard was not developed to meet a regulatory condition but rather to meet a Chemical Weapons Convention Treaty requirement.

Actions in support of Public Outreach.

In addition to the Informational Open House held on January 23, 2003, PFD conducted a number of meetings with first responder groups, regulatory personnel, community leaders, and the general public through the formation of a Citizens Advisory Panel (CAP). The goal of the various meetings was to provide as much information as available on the project and to solicit response and comment. A detailed chronological listing of the PFD activities conducted is included on the attached pages. The listing was prepared from information contained in the files of PFD with additional input and support from the Contractor. The listing does not include additional outreach activities conducted by both Parsons and the Army.

DATE	Activity
8/8/02	PFD contacted Ed Ramsey (Jefferson Twp. Trustee) and Robert Bradley (Jefferson Twp. Administrator) to solicit feedback on PFD submitting a Proposal.
8/9/02	PFD contacted Jennifer Piper (Environmental Aid for Governor Robert Taft) to solicit feedback on PFD submitting a Proposal. She indicated that she would contact the Ohio EPA Director's Office and she suggested that PFD work through the Southwest District Office of the OEPA.
8/9/02	PFD contacted Harold O'Connel (Ohio EPA, SW Dist.), Phil Harris (OEPA, SW Dist.), and Marianne Piekatowski (OEPA, SW Dist.) to solicit feedback on PFD submitting a Proposal.
8/02	PFD contacted Becky Pohlman (RAPCA) and Maria Crusett (RAPCA) to solicit feedback on PFD submitting a Proposal.
8//12/02	PFD contacted Ryan Goug (Legislative Asst. for Congressman Hobson) to solicit feedback on PFD submitting a Proposal.
8/13/02	PFD contacted Don Tucker (Montgomery Co. POTW) to solicit feedback on PFD submitting a Proposal. He suggested that PFD meet with the Co. Administrator.
8/15/02	PFD contacted D. Feldman (Mont. Co. Adm.), Jim Brueggeman (Mont. Co. Wastewater Treatment Div.) and Robert Bradley (Jeff. Twp. Adm.) to solicit feedback on PFD submitting a Proposal. They suggested that PFD obtain a letter of approval from the OEPA.
8/02	PFD contacted Heather Lauer (OEPA Public Interest Center) to inform that PFD was considering submitting a Proposal.

9/02	PFD contacted Harold O'Connell and Phil Harris (OEPA) as a courtesy call to inform them that PFD had submitted a Proposal.
10/02	PFD contacted Robert Bradley (Jeff. Twp. Adm.) to inform him that PFD had submitted a proposal.
10/02	PFD contacted Heather Lauer (OEPA Pub. Int. Ctr.) to inform her that they had submitted a proposal.
12/2/02	PFD contacted Curt Marshall, Becky Pohlman, and Maria Crusett of RAPCA that PFD had submitted a Proposal. RAPCA indicated that a Permit To Install may be necessary.
12/26/02	PFD faxed Michael DeWine (U.S. Sen.), George Voinovich (U.S. Sen.), Robert Taft (Governor), and Tom Roberts (OH State Sen.), and Dixie J. Allen (OH House of Rep.) an information paper on the TSDF Contract Award and Press Release. Received confirmation of receipt.
12/26/02	PR Newswire public press release on TSDF Contract Award.
1/7/03	PFD faxed Michael Turner (U.S. Congress) information paper on TSDF Contract Award and Press Release. Received verbal confirmation of receipt.
1/7/03	PFD faxed Michael DeWine (U.S. Sen.), George Voinovich (U.S. Sen.), Michael Turner (U.S. Congress), Robert Taft (Governor), Tom Roberts (OH State Sen.), Dixie J. Allen (OH House of Rep.), Harold O'Connell (OEPA), Phil Harris (OEPA), Heather Lauer (OEPA Pub. Int. Off.), Jaciel Cordoba (Channel 2 News), Rodney Tims (Channel 7 News), and Christy Chatman (Channel 22 News) a flier announcing the Informational Open House.
1/7/03	Public Announcement of Information Open House at the Jefferson Township Trustee Meeting and distributed to local businesses near PFD.
1/7/03	PFD responded to inquiries from WHIO Channel 7 (CBS) on the Open House and the work planned.
1/8/03	PFD faxed Becky Pohlman (RAPCA) a flier announcing the Informational Open House.
1/03	PFD made courtesy calls to Heather Lauer (OEPA Pub. Int. Ctr.), Becky Pohlman (RAPCA), Robert Bradley (Jeff. Twp. Adm.), and Don Tucker (Mont. Co. POTW) to inform them of the issuance of the Limited Notice to Proceed.
1/10/03	PFD held meeting with employees for the discussion of Demonstration Study.
1/21/03	Dayton Daily News reporter Kelly Wynn contacted PFD and LLAND Group members for article.

1/21/03 – 1/23/03	Clear Channel Communications Radio Announcements for Informational Open House (150 announcements over 2-day period on 6 stations).
1/21/03 – 1/23/03	Announcements published in the Dayton Daily News and fliers posted in the local neighborhood.
1/22/03	PFD held a meeting with Jeff Hines, Phil Harris and Mike Joseph of the OEPA, SW District to provide general project information. PFD, Parsons, and Army Representatives visited with the Ohio EPA
1/23/03	Information Open House (~ 120 Citizens attended). Provided information on project, answers to questions and addressed concerns.
1/23/03	IDEM Representatives provided a tour of the PFD facility.
1/24/03	WDAO Radio broadcasts inflammatory and misleading information.
1/28/03	PF Completed requested interview with NPR reporter .
1/30/03	PF representatives participated in WDAO Radio show to combat misinformation broadcasted on 1/24/03
2/4/03 – 2/5/03	Parsons and PFD Representatives discussed hydrolysate project with Montgomery County Wastewater Authority. The meeting was called by Montgomery County Officials, 14 people attended.
2/7/03	Tom Roberts (OH Sen.) and Dixie J. Allen (OH Rep.) visited the PFD facility and were provided information on the project and answers to their questions.
2/10/03	Public Outreach planning session (PF, Parsons, Army reps)
2/11/03 – 2/12/03	Messaging training held at Newport Outreach Office
2/19/03	PFD participated in Newport Citizens Advisory Commission Mtg.
2/20/03	PFD met & provided Congressional Briefing to OH Fed. Legislative representatives. PFD representatives met with assistants of Sen. DeWine, Sen. Voinovich, Rep. Turner, Rep. Hobson, and Rep Boehner. PFD also met with assistants of Sen. Lugar and Sen. Bayh.
2/26/03	PF hosted meeting with Sgt. Gordon Jackson (OH state highway patrol), Larry Nanna (OHP MCEI Supervisor), Capt. Turner (Mont. Co. Sheriff Dept.), Chief Roy Mann (Jeff. Twp. Fire Dept.), Batt. Chief Boggs (Jeff. Twp. Fire Dept.), Joe Lewis (Jeff. Twp. Fire Dept.), Dennis Bristow (Dayton Regional Haz/Mat Coordinator), Jim Crawford (OEPA Haz/Mat Coordinator) and Vern Fortson (Jeff. Twp. Zoning Commission).

3/3/03	PFD conducted joint training session of the Jeff. Twp. And New Lebanon Fire Depts. in which they provide the MSDS for hydrolysate. Approximately 25 people attended. Participants requested a tour of the facility.
3/5/03	PF Coordinated facility tour with Local First Responders (Jeff Twp. & New Lebanon Fire Depts.)
3/17/03	PF hosts media day to provide correct information on the Hydrolysate Project, to provide a facility tour, and to announce the CAP meeting. In attendance were representatives from the Dayton Daily News, Channel 2 news, Channel 7 News and Channel 22 News.
3/18/03	First Citizens Advisory Panel Meeting
3/19/03	PF held information session for 1 st Responders along transportation route in OH. Those in attendance included Dennis Bristow (Dayton Reg. Haz/Mat Coordinator), Lt. Dave Potts (Clayton Police Dept.), Capt. Chris Zapata (Clayton Fire Dept.), Sgt. Fred Beck (Trotwood Police Dept.), Greg Potter (Trotwood Fire Dept.), Larry Martin (Trotwood Fire Dept.), and Bud Bergman (Englewood Fire Dept.).
3/19/03	PF assess PO & Emerg. Resp. needs along transportation route.
3/31/03	PFD met with Fred Meyers (Trotwood City Manager) to provide project information to community along the transportation route. Provided informational packets to all council members and were asked to attend the next Council meeting.
4/2/03	CAP Meeting
4/7/03	PFD attends Trotwood City Council Mtg. Trotwood City Council pass resolution opposing Project.
4/8/03	Parsons, PFD, Army Outreach Work session.
4/10/03	Meeting of the CRDCW with presentation by Kevin Flamm, John Stewart and Tom Trebonik; Craig Williams (CWWG) in attendance
4/23/03	Conference call on Outreach Survey
4/29/03	PF meets with OH Emergency Management Agency
4/29/03	CAP Meeting
5/1/03	PFD, Parsons and Army attend and present Project Information at SE Priority Board Meeting
5/6/03	Columbus OH network News conducted interview in Dayton
5/9/03	Final Conference call on Survey
5/20/03	A Pre-Editorial Board Conference Call was held involving Parsons, PFD and Army Representatives.

5/21/03	Meeting with Dayton Daily News Editorial Board, Jim DeBrosse and Eddie Roth (editor) at 2 pm EDT. Jeff Brubaker and Terry Arthur were present as representatives of the Army. John Stewart attended as representative for Parsons. Lou Centofanti, Tom Trebonik, Chuck Vella, and Beth Mehlberth attended as representatives for PFD.
6/03/03	CAP Meeting
6/04/03	PFD President, Lou Centofanti and Tom Trebonik meet with residents in Local Neighborhood
6/26/03	PFD provided Parsons with an initial draft of their Newsletter.
6/30/03 – 7/3/03	PFD edited and provided a revised version of the newsletter to Parsons for review.
7/2/03	Rebecca Bryant presented the results of the public opinion poll conducted for Montgomery County Residents.
7/9/03	Bruce Rittman, technical consultant hired by Montgomery County was on-site at PFD with representatives from Montgomery County to discuss/evaluate the Hydrolysate Treatment and Disposal Project. PFD provided a briefing of the proposed process, a tour of the facility and their dedicated Laboratory, and open discussions. Parsons representatives were also in attendance.
7/18/03	PFD submitted Draft Newsletter for Parsons' Review.
7/18/03	Parsons received notice from Tom Trebonik that the CAP meeting has been postponed to a TBD date closer to the date of completion of Dr. Rittman's report to Montgomery County.
7/22/03	Parsons provided feedback on the PFD Newsletter, including comments from Glen Shonkwiler and Parsons staff.
7/28/03	Parsons receives a final version of the newsletter.
8/11/03	Reed, from the Senate Armed Services Committee, visited the PFD Facility. Parsons' representatives, John Stewart, Scott Rowden and Guillermo DeHerrera participated in the meeting. PFD provided a presentation of the TSDF Project and a tour of the PFD Facility and their Chemical Demilitarization Laboratory.
8/13/03	Parsons-PFD meeting with the Indiana Emergency Management Agency in Indianapolis, IN. Tom Trebonik and Scott Rowden explained the general plan for transport and treatment/disposal of the hydrolysate in the Dayton, Ohio Perma-Fix facility. Discussion details included: a) description of the proposed transportation route, b) schedule for transporting the hydrolysate through Indianapolis (i.e., time of day), c) description of tanker trucks that would be used (to include the vacuum capabilities of the tanker, communication capabilities—cellular phone and radio, type of placarding, and rinsing of the tankers between trips), and d) characteristics of the hydrolysate.

Lessons learned.

While it is clear that a considerable effort was expended in conducting the Public outreach Activities, the process and outcome have yielded valuable information. If it is the intention of the Army to contract for this work at an off-site TSDF, somewhere outside of Dayton, PFD respectfully provides the following observations and recommendations:

1. PFD attempted to make its part of the outreach program clear and concise. It is not sufficient to develop outreach information that is understandable to subject matter experts only. Hydrolysate derived from VX is not just another hazardous material. The chemistry and health risks can and were equated to materials with similar health risks. The general public is not willing to accept that Hydrolysate is like Drano, no matter who or how often we say it. Materials developed for public outreach need to speak the truth as simply as possible.

RECOMMENDATION. The Army's & Contractor technical staff needs to work with the public relations group to simplify the available data. The goal should be to develop materials that are understandable and true, not just technically accurate. This process will not be easy and there may be data gaps that must be filled. But until the Contractor and the Army can fill those data gaps and provide straight forward unqualified answers to the questions raised by the Dayton community, the program will have a difficult time using off-site TSDFs.

2. It is as critically important to understand what the community in Dayton wanted to see. Issues related to toxicity of hydrolysate, combustion by-products, EA 2192, Thiol, EMPA, and MPA need to be addressed. To the public, the lack of immediately available information related to these compounds is seen as a lack of concern or interest in public safety.

RECOMMENDATION. Obtain an independent review of the issues raised at Dayton. Have the National Research Council, National Academy of Science or Oak Ridge National Laboratory assess the questions and review available data for gaps. From the study develop toxicity and ecotoxicity information that is complete, accurate and understandable.

3. The public fears VX. The name is enough to shut down the public's willingness to listen. The current moving target for method detection limits (MDL) has to be resolved. Our Subcontract required the Contractor to "*confirm that hydrolysate is not detected at the method detection limit (MDL)*", which is consistent to previous Army assurances. The public does not understand that because of rapid analytical advancements, what is 20 parts per billion today may be something lower tomorrow, and the entire process involved with establishing and confirming the residual concentration of VX using the MDL may change.

RECOMMENDATION. Change the Army position away from dependence upon the MDL process to focus on some residual VX concentration that can confidently be detected. Develop and explain the risks associated with this established level and have the toxicity data to back it up.

4. Either accept and follow the language established for our Subcontract or change it. Our subcontract language requires that the Subcontractor be responsible for Public Outreach, except for the Newport area. This language never anticipated the type of resistance encountered at Dayton. Once the Congressional offices got involved the Army reacted and responded to questions both formally and informally, before there was time to coordinate between all respondents.

RECOMMENDATION. Change the Subcontract language. The Army will not standby, waiting for a subcontractor to tell them how to respond to a Congressional inquiry. New contract language must be established to provide for joint responsibility with the Army as the lead. There are actions involving the local community reaching out to the state level that should be the responsibility of the Subcontractor. However, the information required to respond and inform rests with the Army and its Contractor, not with the Subcontractor. To make the Subcontractor responsible for Public Outreach without all the available information and resources readily accessible, places the Subcontractor in an untenable position

5. "Public acceptance" may not be definable and it may not be possible to create an operational definition for a subcontract. In the broadest sense, public acceptance could be defined as everyone needing to agree with the project. By the narrowest definition, if the Army can force it without armed resistance, then the public has accepted it. In between these two extremes are a lot of uncertainties. "Public acceptance" may be best defined as the "community acceptance" of a risk as a result of a perceived benefit.

One of the simplest examples is the acceptance of hazardous materials within our communities. Gasoline, a very hazardous material, is accepted because we all see a benefit that exceeds the risks. When you move away from gasoline and its obvious benefit, to chromic acid for example (chromic acid is frequently used in metal plating facilities), the benefits are not as clear to anyone other than those employed at a plating shop. In the case of hydrolysate at PFD, it is difficult to perceive a benefit to overcome the anticipated risks.

RECOMMENDATION. The public needs to understand and receive some benefit. The people of Newport are more willing to accept the VX project because it is already there and it will go away. The people of Dayton have never seen a benefit from this project. There is nothing for the community that offsets for them what is currently a defined risk. Assure that the receiving community is protected and realizes specific benefits.

6. The process developed by PFD is valuable and important. Both the Army and the contractor approved that the PFD process could destroy the VX in an environmentally safe manner. As an alternative to incineration the process developed by Parsons at Newport and PFD at Dayton can provide a safe environmentally sound solution to destruction of VX. It can't and won't happen in Dayton. But with some work, complete information, and community cooperation and benefits, who knows, maybe it will work at some other viable site. Chemically and biologically destroying the VX components (such as with the PFD process) is a lot better than burning them or simply diluting them and flushing them into a bay or river somewhere.

RECOMMENDATION. Find a way to use the process PFD has successfully demonstrated.

7. Finally, from day one PFD had decided that it would not accept hydrolysate at the Dayton plant until all questions were answered and we were sure that the materials could be safely transported, treated and disposed. But, the structure of the subcontract created a real internal conflict for the company. On one hand PFD was obligated to accomplish the mechanics of a public outreach program with "public acceptance" defined by the Army as continued operation under existing permits. On the other hand we were faced with a community protest. The community protest was so extreme that the future operation of the PFD facility was in jeopardy. There was no way to either back away or continue without doing harm to the company. If we pressed ahead under the subcontract, we risked losing the facility. If we accepted the community position, we were potentially in default of our contract. The only hope was to listen to the public, understand their concerns, and try to find and provide answers if they would listen.

RECOMMENDATION. The program must find a better definition for "Public Acceptance". As discussed above a definition may not be possible, but at the point of any new contracts, all parties need to have a clear understanding of what "public acceptance" means. Once the performance thresholds are established subcontract language must allow a subcontractor who has otherwise fulfilled their obligations to get out of the contract in response to community actions without a default.

The citizens and local officials who worked this issue are to be commended for their hard work and tenacity. The people of Dayton have clearly stated their non-acceptance of the VX hydrolysate. Maybe if we could have had the answers to their questions when they were first asked, or had been able to show a benefit to the community, we would have successfully performed the safe treatment and disposal of the VX Hydrolysate.